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OFFICE OF PETITIONS

In re Application of
Roeland Nusse et al.
Application No. 10/816,720
Filed: April 1, 2004
Attorney Docket No. STAN-299

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: ON PETITION
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This is a decision on the petition under 37 CFR 1.137(b), filed March 28, 2006, to revive the above identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely reply to the Final Office Action mailed September 20, 2005. A shortened statutory period of three months was set for replying Final Office Action. A one month extension of time request and an amendment were filed on January 17, 2006 however, the response did not place the application in condition for allowance. Prior to the mailing of the Advisory Action, mailed April 18, 2006, and prior to the mailing of the Notice of Abandonment, the instant petition was filed.

Petitioner files the instant petition and request for continued examination under 37 CFR 1.137(b).¹

¹Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c).

In response to the Final Office Action mailed April 18, 2005, petitioner has submitted a Request for Continued Examination (RCE) and an amendment as the submission required under 37 CFR 1.114.

The petition fee in the amount of \$750.00 has been charged to deposit account no. 50-0815.

This matter is being referred to Technology Center 1654 for processing of the RCE and submission.

Telephone inquiries related to this decision should be directed to the undersigned Petitions Attorney at (571) 272-3212.



Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions